

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CAZ KILBURN, §
Plaintiff, §
vs. § C.A. NO. 5:17-CV-00861
DISTRIBUTION SOLUTIONS, LLC, J3 §
OIL and GAS, INC., JAMIE JOHNSON, §
JIM BIZZIERI, JERRY JOYCE and §
UNITEDHEALTHCARE, §
Defendants. §

UNITEDHEALTHCARE'S INDEX OF STATE COURT DOCUMENTS

State Court Document	Date Filed
1. Bexar County Docket Sheet	N/A
2. Plaintiff's Original Petition	07/31/2017
3. Citation	08/09/2017
4. Original Answer of UnitedHealthcare	09/01/2017
5. Original Answer of J3 Oil and Gas, Jim Bizzieri and Jerry Joyce	09/01/2017
6. Original Answer of Distribution Solutions, LLC	09/05/2017
7. Original Answer of Jamie Johnson	09/05/2017
8. Letter to District Clerk/Recording Dept.	09/05/2017

Dated: September 6, 2017.

Respectfully submitted,

By: /s/ Andrew G. Jubinsky

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UNITEDHEALTHCARE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served via certified mail on the parties listed below on the 6th day of September, 2017.

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Attorneys for Defendants Distribution Solutions, LLC and Jamie Johnson

/s/ Andrew G. Jubinsky
Andrew G. Jubinsky

GERARD C. RICKHOFF



DONNA KAY MCKINNEY

COUNTY CLERK & DISTRICT CLERK
COURT RECORDS SEARCH

Case #2017CI13864

Name: CAZ KILBURN

Date Filed : 07/31/2017

Case Status : PENDING

Litigant Type : PLAINTIFF

Court : 057

Docket Type : DEBT/CONTRACT

Business Name :

Style : CAZ KILBURN

Style (2) : vs DISTRIBUTION SOLUTIONS LLC ET AL

EXHIBIT

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1

Case History

Currently viewing 1 through 15 of 15 records

Sequence	Date Filed	Description
P00009	9/5/2017	ORIGINAL ANSWER OF JAMIE JOHNSON
P00008	9/5/2017	ORIGINAL ANSWER OF DISTRIBUTION SOLUTIONS LLC
P00007	9/5/2017	CERTIFIED COPY MAILED OUT OF PETITION TO DEANNA WADDELL
P00006	9/5/2017	LETTER TO DISTRICT CLERK/RECORDING DEPT FROM DEANNA WADDELL
P00005	9/1/2017	ORIGINAL ANSWER OF OIL AND GAS INC, JIM BIZZIERI AND JERRY JOYCE
P00004	9/1/2017	ORIGINAL ANSWER OF UNITEDHEALTHCARE
S00006	8/1/2017	CITATION CERTIFIED MAIL UNITEDHEALTHCARE ISSUED: 8/1/2017 RECEIVED: 8/1/2017 EXECUTED: 8/7/2017 RETURNED: 8/10/2017
S00005	8/1/2017	CITATION CERTIFIED MAIL JERRY JOYCE ISSUED: 8/1/2017 RECEIVED: 8/1/2017 EXECUTED: 8/8/2017 RETURNED: 8/14/2017
S00004	8/1/2017	CITATION CERTIFIED MAIL JIM BIZZIERI ISSUED: 8/1/2017 RECEIVED: 8/1/2017 EXECUTED: 8/8/2017 RETURNED: 8/14/2017
S00003	8/1/2017	CITATION CERTIFIED MAIL JAMIE JOHNSON ISSUED: 8/1/2017 RECEIVED: 8/1/2017 RETURNED: 8/16/2017
S00002	8/1/2017	CITATION CERTIFIED MAIL J3 OIL AND GAS INC ISSUED: 8/1/2017
S00001	8/1/2017	CITATION CERTIFIED MAIL DISTRIBUTION SOLUTIONS LLC ISSUED: 8/1/2017 RECEIVED: 8/1/2017 RETURNED: 8/11/2017
P00003	7/31/2017	JURY FEE PAID
P00002	7/31/2017	SERVICE ASSIGNED TO CLERK 1
P00001	7/31/2017	PETITION WJD

FILED
7/31/2017 12:03 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Krystal Gonzalez

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CAUSE NO. **2017CI13864**

CAZ KILBURN

IN THE DISTRICT COURT OF

Plaintiff,

v.

DISTRIBUTION SOLUTIONS, LLC
J3 OIL and GAS, INC., JAMIE JOHNSON,
JIM BIZZIERI, JERRY JOYCE and
UNITEDHEALTHCARE

Defendants.

57 JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, CAZ KILBURN (hereinafter referred to as Plaintiff or "Kilburn"), and files this Plaintiff's Original Petition complaining of Defendants, DISTRIBUTION SOLUTIONS, LLC (hereinafter referred to as Defendant or "DISOL"); J3 OIL and GAS, INC. (hereinafter referred to as Defendant or "J3"); JAMIE JOHNSON (herein after referred to as Defendant or "Johnson"); JIM BIZZIERI (hereinafter referred to as Defendant or "Bizzieri"); JERRY JOYCE (hereinafter referred to as Defendant or "Joyce") and UNITEDHEALTHCARE (hereinafter referred to as Defendant or "UHC" and for cause of action would show this Honorable Court as follows:

I.

PARTIES

1. Plaintiff Kilburn is a resident of Amarillo, Texas.

EXHIBIT

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2

2. Defendant DISOL is a for profit limited liability company. Service of process may be effected on DISOL by certified mail, return receipt requested, through its owner and member, Jamie Johnson, at 14610 Main Street, Suite 101, Lytle, TX 78052 by delivering a copy of Plaintiff's Original Petition.

3. Defendant J3 is a for profit Texas corporation. Service of process may be effected on J3 by certified mail, return receipt requested, through its owner and president, Jamie Johnson, at 14610 Main Street, Suite 101, Lytle, TX 78052 by delivering a copy of Plaintiff's Original Petition.

4. Defendant Jamie Johnson is an individual residing in Bexar County, Texas. Service of process may be effected on Johnson by certified mail, return receipt requested, by delivering a copy of Plaintiff's Original Petition to Jamie Johnson , at 14610 Main Street, Suite 101, Lytle, TX 78052.

5. Defendant Jim Bizzieri is an individual residing in Chicago, Illinois. Service of process may be effected on Bizzieri by certified mail, return receipt requested, by delivering a copy of Plaintiff's Original Petition to Jim Bizzieri at 10258 S. Western Ave. #210, Chicago IL 60643.

6. Defendant Jerry Joyce is an individual residing in Chicago, Illinois. Service of process may be effected on Joyce by certified mail, return receipt requested, by delivering a copy of Plaintiff's Original Petition to Jerry Joyce at 10258 S. Western Ave. #210, Chicago IL 60643.

7. Defendant UnitedHealthcare is a for profit corporation. Service of process on UnitedHealthcare may be effected by delivering a copy of Plaintiff's Original Petition to CEO, Stephen Helmsley, certified mail, return receipt requested at 9700 Health Care Lane, Minnetonka, MN 55343.

8. This is a Level III case.

II.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the subject matter and the parties to this case and all conditions precedent to the filing of this suit have been met and venue properly lies in Bexar County, Texas. The conduct Plaintiff complains of occurred in part in Bexar County, Texas.

III.

JURY DEMAND

10. Plaintiff is requesting trial by jury and will tender the statutory jury fee.

IV.

AGENCY

11. Whenever in this petition it is alleged that the Defendants did any act or thing, it is meant that Defendants' officers, agents, servants, employees or representatives did such act or thing and that at the time such act or thing was done, it was done with the full authorization or ratification of or by Defendants and was done in the normal and routine course and scope of employment of Defendants' officers, agents, servants, employees or representatives.

V.

FACTS

12. On or about January 11, 2015, Plaintiff was involved in a tragic automobile accident on his way to work for J3 in Midland, Texas. Kilburn's vehicle hit a patch of

ice and he lost control. Plaintiff was thrown from the car and he landed face first into a guardrail. His injuries were severe and life threatening. Substantial medical expenses were incurred for the reasonable and necessary medical care that Kilburn required.

13. On January 5, 2015, Plaintiff was advised by Manny Maldonado, HSE Officer for J3, that he was covered for group medical insurance with United Healthcare. On January 8, 2015, UHC welcomed Kilburn as a covered employee under the group health insurance carried by J3. The group name was J3 Oil and Gas, the group number was 904396 and Plaintiff's member ID was A908691621. Kilburn relied upon the representations made by J3 and UHC to his detriment.

14. Even after the horrific accident on January 11, 2015, Margo Johnson, the previous CEO of DISOL and the sister-in-law of Jamie Johnson, assured Plaintiff and his family that the accident medical bills were covered under the group policy with UHC. Sometime later, Margo Johnson stated that the medical bills from the accident were too costly and the accident presented too great a liability. Selected employees at DISOL had been added to the J3 employee roster and were afforded health care by their designation as J3 employees. J3 owners, employees and agents represented that Kilburn was an employee of J3.

15. Defendants DISOL, J3, Johnson, Bizzieri, Joyce and UHC engaged in a conspiracy to deny health care coverage due and owing to Plaintiff. A false representation was made that J3 had erroneously enrolled Kilburn as an employee of J3 on the group health care plan. In truth and in fact, Defendants Johnson, Bizzieri and Joyce were seeking to avoid the considerable medical expenses incurred by Plaintiff because of the accident on January 11, 2015. UHC was a willing participant in the scheme to deny health care coverage for Kilburn. All Defendants owed a fiduciary duty to Plaintiff. That fiduciary duty was breached when on February 19, 2015, a request

was made to cancel group health coverage for Kilburn. All Defendants failed to deal with Plaintiff in good faith, with honesty and to act with integrity. Defendants committed fraud by nondisclosure. All Defendants committed fraud. They all made material misrepresentations that they knew were false and that they knew Plaintiff would rely upon to his detriment.

VI.
CAUSES OF ACTION

16. The conduct of all Defendants amounts to a Civil Conspiracy. The owners and agents of DISOL and J3 were members of a combination or members of separate combinations of two or more persons. The objects of the combination or combinations were to accomplish an unlawful purpose or a lawful purpose by unlawful means, as set forth herein. The owners and agents of Defendants had a meeting of the minds on the objects or courses of action. One or more of the members, the owners and agents of Defendants, committed an unlawful act or acts (e.g. common law fraud, fraud by nondisclosure, breach of fiduciary duty and promissory estoppel) to further the objects or courses of action. Plaintiff has suffered damages as a result of the Civil Conspiracy. Each Defendant is liable as a co-conspirator for the wrongful acts or omissions on the part of one or more of their co-conspirators.

17. Defendants, through their owners and agents, have committed common law fraud in that they have made false and material representations, that Defendants intended Plaintiff to rely upon, and that have been relied upon by Kilburn, to his detriment. Plaintiff has suffered damages as a proximate result of the common law fraud.

18. Defendants, through their owners and agents, have committed fraud by nondisclosure as set forth herein. Defendants failed to disclose information to Plaintiff

that was material. Defendants knew that Kilburn was ignorant of the undisclosed facts and that Kilburn did not have an equal opportunity to discover the facts. Defendants knew that they owed a fiduciary duty to Kilburn. Plaintiff has suffered damages as a proximate result of the fraud by nondisclosure.

19. Defendants all had a fiduciary duty based upon the relationship of Defendants to the Plaintiff. All Defendants failed to deal in good faith, with honesty and to act with integrity. Defendants breached the fiduciary duty that they owed to Plaintiff. Kilburn has suffered damages as a proximate result of the breach of fiduciary duty owed to Plaintiff.

20. Defendants promised Kilburn group health coverage. Plaintiff relied upon the promise made by Defendants to his detriment. Plaintiff claims that as a result of Promissory Estoppel Defendants are precluded from denying group health care coverage. Plaintiff has been damaged as a result of Defendants breach of their promise.

VII.

DAMAGES

21. The conduct of all Defendants, by and through the owners and agents of all Defendants, has proximately caused and produced the following actual damages to Kilburn in an amount set forth below for which he seeks judgment against DISOL, J3, Johnson, Bizzieri, Joyce and UHC for the following elements of damage:

- (a) Emotional distress, mental anguish, and other psychological damages which Plaintiff has suffered in the past and which he will, in reasonable probability, suffer in the future.
- (b) Physical impairment sustained by Plaintiff because without his insurance coverage reasonable and necessary medical care has been denied.

(c) Unpaid medical bills totaling \$436,021.28 for the reasonable and necessary medical care incurred after the accident. Reasonable and necessary medical care to be determined in the future for surgeries deferred because of no medical care insurance.

(d) Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff hereby seeks monetary relief over \$1,000,000.00, including costs, expenses, pre- and post-judgment interests, and attorney's fees. Plaintiff further requests that the non-expedited rules apply in this case.

VIII.

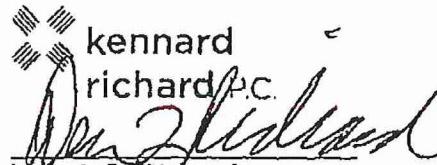
EXEMPLARY DAMAGES

22. The intentional Civil Conspiracy, Common Law Fraud, Fraud by Nondisclosure and Breach of Fiduciary were conduct calculated to cause harm to Kilburn and were conduct ratified by Defendants. Plaintiff should be awarded punitive damages as a consequence of Defendants' outrageous conduct.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final trial of this cause, Plaintiff has and recovers of and from the Defendants actual damages for Civil Conspiracy, Common Law Fraud, Fraud by Nondisclosure, Breach of Fiduciary Duty and Promissory Estoppel in a sum within the jurisdictional limits of this Court, pre-and post-judgment interest as allowed by law, attorney's fees, costs of Court, and for such other and further relief, both general and special, at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,



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CERTIFIED MAIL #70162070000075204146



Case Number: 2017-CI-13864

2017CI13864 S00006

CAZ KILBURN

vs.

DISTRIBUTION SOLUTIONS LLC ET AL

(Note: Attached document may contain additional litigants).

CITATION

IN THE DISTRICT COURT
57th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

"THE STATE OF TEXAS"

DIRECTED TO: UNITEDHEALTHCARE
BY SERVING ITS CEO STEPHEN HELMSLEY

CONSUMER

ES AUG 9 2017 10

9700 HEALTH CARE LANE
MINNETONKA MN 55343-4522

AFFAIRS

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION , a default judgment may be taken against you." Said CITATION with ORIGINAL PETITION was filed on the 31st day of July, 2017.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 1ST DAY OF August A.D., 2017.

DENNIS L RICHARD
ATTORNEY FOR PLAINTIFF
100 NE LOOP 410 610
SAN ANTONIO, TX 78216-5829



Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Larry Botello*, Deputy

CAZ KILBURN
vs
DISTRIBUTION SOLUTIONS LLC ET AL

Officer's Return

Case Number: 2017-CI-13864
Court: 57th Judicial District Court

Came to hand on the 1st day of August 2017, A.D., at 2:07 o'clock P.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20_____, by delivering to: _____ at 9700 HEALTH CARE LANE MINNETONKA MN 55343-4522 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with ORIGINAL PETITION .

Cause of failure to execute this Citation is _____.

Donna Kay McKinney
Clerk of the District Courts of
Bexar County, TX
By: *Larry Botello*, Deputy

EXHIBIT

ORIGINAL

3

CERTIFIED MAIL



**Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
SAN ANTONIO, TEXAS 78205**



2016 2070 0000 7520 4146

MN008-T010

RETI RA SERVICE REQUESTED

UNITEDHEALTHCARE
PX SERVING TTS CEO STEPHEN HELMSI EY
9/00 THRU 11/00 ONE
MINN MINN MN 55343-4522

2017C113864 8/1/2017 CITCH LARRY BOTELLO

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FILED
9/1/2017 2:21 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Isaias Ibarra

CAUSE NO. 2017CI13864

CAZ KILBURN § IN THE DISTRICT COURT
Plaintiff, §
v. § 57TH JUDICIAL DISTRICT
DISTRIBUTION SOLUTIONS, LLC §
J3 OIL and GAS, INC., JAMIE JOHNSON, §
JIM BIZZIERI, JERRY JOYCE AND §
UNITEDHEALTHCARE §
Defendants. § BEXAR COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

Defendant UnitedHealthcare¹ files its original answer, and states:

1. Subject to such admissions and stipulations as may be made at or before time of trial, Defendant denies generally and specially the material allegations in Plaintiff's Original Petition, pursuant to Tex. R. Civ. P. 92, and demands strict proof thereof in accordance with the requirements of the laws of this state.
2. Defendant requests the following relief:
 - (a) That Plaintiff take nothing by reason of his suit;
 - (b) That Defendant be dismissed with its costs; and
 - (c) That Defendant have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

¹ The correct legal entity name is UnitedHealthcare Insurance Company.

Dated: September 1, 2017

Respectfully submitted,

By: /s/ Andrew G. Jubinsky
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ATTORNEYS FOR DEFENDANT
UNITEDHEALTHCARE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on September 1, 2017.

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Attorney for Plaintiff

/s/ Andrew G. Jubinsky
Andrew G. Jubinsky

FILED
 9/1/2017 3:24 PM
 Donna Kay McKinney
 Bexar County District Clerk
 Accepted By: Isaias Ibarra

CAUSE NO. 2017CI13864

CAZ KILBURN	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
	§	
vs.	§	57TH JUDICIAL DISTRICT
	§	
	§	
DISTRIBUTION SOLUTIONS, LLC	§	
J3 OIL and GAS, INC., JAMIE	§	
JOHNSON, JIM BIZZIERI, JERRY	§	
JOYCE and UNITED HEALTHCARE	§	
Defendant.	§	BEXAR COUNTY, TEXAS

DEFENDANTS J3 OIL AND GAS, INC.'S, JIM BIZZIERI'S AND JERRY JOYCE'S ORIGINAL ANSWER, GENERAL DENIAL AND AFFIRMATIVE DEFENSES

Defendants J3 OIL AND GAS, INC., JIM BIZZIERI and JERRY JOYCE (collectively “Defendants”) file their Original Answer, General Denial, and Affirmative Defenses, and respond to the allegations in Plaintiff’s Original Petition, and any supplements or amendments thereto (“Petition”), as follows:

**I.
GENERAL DENIAL**

Defendants generally deny all allegations in Plaintiff’s Original Petition and demand strict proof of all matters set forth in the Original Petition.

**II.
AFFIRMATIVE DEFENSES**

1. To the extent that Plaintiff relies upon any acts or events occurring outside the applicable statute of limitations, such claims are barred.
2. Defendants are not liable to Plaintiff because Plaintiff had knowledge of the facts that were allegedly concealed from him.
3. Plaintiff has failed to exercise reasonable care and diligence to mitigate his damages, if any.



Defendants reserve the right to amend or supplement their Answer in accordance with the Texas Rules of Civil Procedure.

**III.
PRAYER**

THEREFORE, PREMISES CONSIDERED, Defendants pray for judgment as follows:

1. That Plaintiff's Original Petition and each cause of action therein be dismissed with prejudice;
2. That Plaintiff take nothing by Plaintiff's Original Petition;
3. That the Court order such other and further relief for Defendants as the Court may deem just and proper.

Respectfully submitted,

/S/Melissa Morales Fletcher
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Lawrence Morales II
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Facsimile: (210) 225-0821

**ATTORNEY FOR DEFENDANT J3 OIL
AND GAS, INC., JIM BIZZIERI and
JERRY JOYCE**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Answer has been served on the following attorney of record in accordance with the Texas Rules of Civil Procedure on this 1st day of September 2017.

Dennis L. Richard, Via Facsimile (210-314-5687)

/s/ Melissa Morales Fletcher
Melissa Morales Fletcher

FILED
9/5/2017 4:54 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Annabelle Kung

CAUSE NO. 2017CI13864

CAZ KILBURN § IN THE DISTRICT COURT
§
vs. § 57TH JUDICIAL DISTRICT
§
DISTRIBUTION SOLUTONS, LLC §
J3 OIL and GAS, INC., JAMIE JOHNSON, §
JIM BIZZIERI, JERRY JOYCE, and §
UNITEDHEALTHCARE § BEXAR COUNTY, TEXAS

DEFENDANT DISTRIBUTION SOLUTIONS, LLC's
ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES DISTRIBUTION SOLUTIONS, LLC ("D.S."), Defendant and files DEFENDANT DISTRIBUTION SOLUTIONS, LLC'S ORIGINAL ANSWER in response to *Plaintiff's Original Petition*, and for such ORIGINAL ANSWER would show the following:

I. GENERAL DENIAL

Defendant D.S. asserts a general denial under Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, and by that plea denies each and every, all and singular, the material allegations in *Plaintiff's Original Petition*. Defendant D.S. respectfully requests that Plaintiff be required to prove the charges and allegations made against Defendant D.S. by a preponderance of the evidence as required by the Constitution and laws of the State of Texas, and demand strict proof thereof.

II. TRCP 193.7

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 193.7, a party's production of documents in response to written discovery authenticates the document for use against that party in any pre-trial proceeding or at trial. Defendant D.S. provides this Notice of its intent to utilize all documents

produced between the parties, together with all deposition exhibits and documents obtained by written questions, in any pre-trial proceedings and/or trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant D.S. requests that Plaintiff recover nothing from this suit; that Defendant D.S. recover costs of Court; and all other and further relief to which Defendant D.S. may be justly entitled in law or in equity.

Respectfully submitted,

O'CONNOR | McLIN, P.C.
630 Broadway
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(210) 271-1540 Facsimile

By: _____


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**ATTORNEYS FOR DEFENDANTS,
DISTRIBUTION SOLUTIONS, LLC, and
JAMIE JOHNSON**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been delivered in accordance with Tex. R. Civ. P. 21(a) on this the 5th day of September, 2017, to the following counsel of record:

Via E-Service: dennis.richard@kennardlaw.com

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Counsel for Plaintiff, Caz Kilburn

Via E-Service: lawrence@themoralesfirm.com

Mr. Lawrence Morales, II
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Counsel for Defendants, J3Oil and Gas, Inc., Jim Bizzieri, and Jerry Joyce

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Dallas, Texas 75202
Counsel for Defendant, UnitedHealthCare



DANIEL P. O'CONNOR

FILED
9/5/2017 4:56 PM
Donna Kay McKinney
Bexar County District Clerk
Accepted By: Annabelle Kung

CAUSE NO. 2017CI13864

CAZ KILBURN § IN THE DISTRICT COURT
§
vs. § 57TH JUDICIAL DISTRICT
§
DISTRIBUTION SOLUTONS, LLC §
J3 OIL and GAS, INC., JAMIE JOHNSON, §
JIM BIZZIERI, JERRY JOYCE, and §
UNITEDHEALTHCARE § BEXAR COUNTY, TEXAS

DEFENDANT JAMIE JOHNSON's
ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JAMIE JOHNSON ("J.J."), Defendant and files DEFENDANT JAMIE JOHNSON'S ORIGINAL ANSWER in response to *Plaintiff's Original Petition*, and for such ORIGINAL ANSWER would show the following:

I. GENERAL DENIAL

Defendant J.J. asserts a general denial under Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, and by that plea denies each and every, all and singular, the material allegations in *Plaintiff's Original Petition*. Defendant J.J. respectfully requests that Plaintiff be required to prove the charges and allegations made against Defendant J.J. by a preponderance of the evidence as required by the Constitution and laws of the State of Texas, and demand strict proof thereof.

II. TRCP 193.7

Pursuant to TEXAS RULE OF CIVIL PROCEDURE 193.7, a party's production of documents in response to written discovery authenticates the document for use against that party in any pre-trial proceeding or at trial. Defendant J.J. provides this Notice of its intent to utilize all documents

produced between the parties, together with all deposition exhibits and documents obtained by written questions, in any pre-trial proceedings and/or trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant J.J. requests that Plaintiff recover nothing from this suit; that Defendant J.J. recover costs of Court; and all other and further relief to which Defendant J.J. may be justly entitled in law or in equity.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS,
DISTRIBUTION SOLUTIONS, LLC, and
JAMIE JOHNSON**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been delivered in accordance with Tex. R. Civ. P. 21(a) on this the 5th day of September, 2017, to the following counsel of record:

Via E-Service: dennis.richard@kennardlaw.com

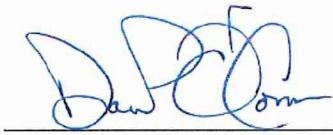
Mr. Dennis L. Richard
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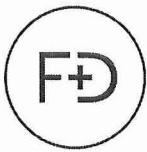
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September 1, 2017

Via Federal Express #770170249663

Bexar County District Clerk
Donna Kay McKinney
Paul Elizondo Tower
101 W. Nueva, Suite 217
San Antonio, TX 78205-3411

Re: *Caz Kilburn v. Distribution Solutions, LLC et al*, District Court, 57th Judicial District, Bexar County, Texas, Cause No. 2017-CI-13864

Dear Ms. McKinney:

Please serve this correspondence as our request for certified copies of all documents in the above cause. Enclosed is check number 86223 in the amount of \$10.00. Per my telephone conversation with your office, \$9.00 regarding the copies and an additional \$1.00 for certifying. If this is not correct please advise.

Also enclosed, a Federal Express return envelope for return of same as we are requesting the documents as soon as possible. If you should have questions or concerns please feel free to contact me directly at the above number or email. Thank you for your assistance.

Sincerely,

Deanna M. Waddell

Deanna M. Waddell, RP
Paralegal

Enclosures

